IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13941 of 2004

Between:

M. Manmatha Rao, S/o Late M.T. Dora,
R/o.43-17-8/7, Venkataraju Nagar,

Akkayapalem, Visakhapatnam.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by its Secretary,
Education Department, Secretariat, Hyderabad.
2 The Director, Technical Education,

Government of Andhra Pradesh, Hyderabad.
3 The Administrator, The ICFAI University Business School,
62, Nagarjuna Hills, Panjagutta,Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.3 in debarring the petitioner's son Mr.Roshan Kumar to the certificate of P.G.D.B.A. for the year 2002-2004 without any statute or affiliation to any university is as illegal, arbitrary, against to the principle of natural justice and unconstitutional.

Counsel for the Petitioner: MR.V.VENKATA KUMAR

Counsel for the Respondent Nos. 1 and 2: Government Pleader FOR EDUCATION

Counsel for the Respondent No.3: None appeared

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13941 OF 2004

ORDER:

The petitioner's son, Mr.Roshan Kumar, was admitted to Post Graduate Diploma in Business Administration (PGDBA) in the academic year 2002-2004 by the third respondent institute. By communication dt.27.4.2003, petitioner's son was informed that as per IBS policy, he cannot participate in the academic programme as he failed to submit proof of Graduation which is essential qualification for PGDBA. Roshan Kumar's father filed the present Writ Petitions seeking a declaration that the action of third respondent in debarring petitioner's son from PGDBA course for the academic year 2002-2004 is illegal and arbitrary.

The Writ Petition is liable to be dismissed *in limini* for two reasons. First, the learned counsel for the petitioner is not able to place before this Court any material as to how the Institute of Chartered Financial Analysts of India (ICFAI) University Business School can be a State within the meaning of Article 12 of the Constitution of India. No material is placed before this Court to adjudicate this issue. Secondly, admittedly, Mr.Roshan Kumar is admitted to the course whose admission is cancelled now. He is not a minor nor incurs any disqualification for filing Writ Petition. Curiously, father of Roshan Kumar invoked the jurisdiction of this Court which is not permissible on the principle of *Jus Tertii*.

The Writ Petition is therefore dismissed. No costs.

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(V.V.S.RAO, J)

9.8.2004

bnr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Education Department,

Government of Andhra Pradesh,

Secretariat, Hyderabad.

2 The Director, Technical Education,

Government of Andhra Pradesh, Hyderabad.

3 The Administrator, the ICFAI University Business School,
62, Nagarjuna Hills, Panjagutta, Hyderabad.

4 The Government Pleader for Education, High Court Buildings,

Hyderabad (OUT)

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